

January 5, 2005



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OFFICE OF PETITIONS

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VIA U.S. EXPRESS MAIL
NO. EL-650190286-US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 09/227,490
Renewed Petition Under 37 C.F.R. 1.137(b)

Dear Sir:

Enclosed is a response to the dismissal of the previously submitted petition to revive abandoned Application No. 09/227,490 filed January 6, 1999. Also enclosed are the needed formal drawings.

Any additional fees are to be charged to Strasburger & Price PTO Deposit Account No. 194547.

Cordially,

Alan R. Thiele

ART/mbr
Enclosures

Strasburger & Price, LLP

300 Convent Street, Suite 900 • San Antonio, Texas 78205.3715 • 210.250.6000 tel • 210.250.6100 fax • www.strasburger.com
272918.1/SPSA/35684/0101/01050 Austin • Dallas • Houston • San Antonio • Washington D.C. • Mexico City



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

18

Application Number

09/227,490

Filing Date

January 6, 1999

First Named Inventor

Matthew David Gard

Art Unit

2674

Examiner Name

Ronald Laneau

Attorney Docket Number

35684.0101

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<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	- REQUEST FOR RECONSIDERATION OF DISMISSED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	- transmittal letter
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Strasburger & Price, LLP 901 Main St., Suite 4300 Dallas, TX 75202		
Signature			
Printed name	Alan R. Thiele		
Date	January 5, 2005	Reg. No.	30,694

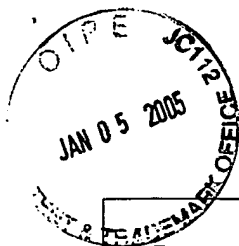
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Armando Berlanga	Date	January 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re	§	Atty Docket No.: 35684.0101
Application of: Matthew David Gard	§	
Appl. No.: 09/227,490	§	Group Art Unit: 2674
Filed: January 6, 1999	§	
Title: Computer Interface Device	§	Examiner: Ronald Laneau

TO: Mail Stop PETITIONS
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REQUEST FOR RECONSIDERATION OF
DISMISSED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)

In response to the dismissal of the Applicant's Petition to Revive his patent application dated November 9, 2004 (attached hereto), Applicant submits the requested formal drawings.

Respectfully submitted,

Alan R. Thiele
Reg. No. 30,694

Strasburger & Price, LLP
901 Main Street, Suite 4300
Dallas, Texas 75202
Telephone: (210) 250-6014 (direct)
Facsimile: (210) 250-6100

Date: January 5, 2005



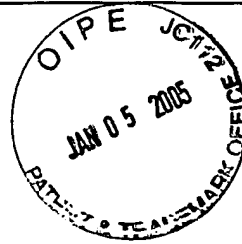
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NOV 12 2004

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Paper No. 23

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NOV 22 2004

R. Scott Rhoades
Strasburger & Price
901 Main Street
Suite 4300
Dallas, TX 75202-3794

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NOV 09 2004

OFFICE OF PETITIONS

In re Application of
Mathew Davis Gard
Application No. 09/227,490
Filed: January 6, 1999
Attorney Docket No. 35684.0101(P)

ON PETITION

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OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

The above-identified application became abandoned for failure submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance/Notice of Allowability mailed December 1, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight March 1, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

The issue fee has been received. However, there is no indication that corrected formal drawings as required by the Notice of Allowability of December 1, 2003 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22313-1450

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Arlington, VA 22202

By Fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy